



United States Department of Agriculture
Food and Nutrition Service

Southeast Region

Reply to

Attn. of: SERO Policy

January 11, 2005

Subject: Policy Memorandum 226.09-02: Use of Enrollment Data for Establishing Claiming Percentages and Determining the Eligibility of Proprietary Centers

To: All State Directors
Child and Adult Care Food Program
Southeast Region

This Policy Memorandum rescinds CACFP Policy 226.09-01. Please remove that memorandum and file this memorandum in your Southeast Regional Office numbered policy system.

There are several instances in the Child and Adult Care Food Program (CACFP) regulations where the definition of an enrolled child/program participant is critical to the appropriate application of Program requirements. Two such instances relate to:

- establishing "claiming percentages" as an element of reimbursement rates for meals served in child or adult care centers, and
- determining the percentage of children or adults eligible for Title XIX, Title XX, and/or free and reduced price benefits for the purpose of establishing the eligibility of a proprietary center to participate in the Program and to submit a claim for reimbursement for meals.

Program regulations define an enrolled child in a center as "a child whose parent or guardian has submitted ... a signed document which indicates that the child is enrolled for child care." In addition, the regulations define "claiming percentage" as "the ratio of the number of enrolled participants in an institution in each reimbursement category ... to the total of enrolled participants in the institution."

Claiming Percentages

For the purpose of establishing a claiming percentage for a center, there is no requirement that a child appropriately enrolled for child care be in attendance, or participate in a meal, at any time during the claim month.

For the purposes of payment calculations made by family day care home sponsoring organizations, the regulations provide two additional enrollment criteria specific to family day care homes relating to a child's presence in the home for the purpose of child care and the

child's consumption of at least one meal during the claiming period. However, these additional criteria do not apply to child or adult care centers.

State agencies that believe sponsors of centers, or other institutions, may be manipulating the data by the way in which they apply their enrollment policies may exercise their option to require actual meal counts, by category, as described at 7 CFR 226.9(b)(1).

In addition, 7 CFR 226.25 provides that State agencies may establish additional requirements, with Food and Nutrition Service Regional Office (FNS-RO) approval, provided that any such additional requirements are not inconsistent with the CACFP regulations. Since Program regulations provide additional criteria relating to attendance and/or meal participation as an element of defining an enrolled child in family day care homes, a State agency requirement establishing a similar standard for program participants enrolled in a child or adult care center would not be inconsistent with CACFP regulations. However, the matter remains a state agency decision, i.e. whether to abide by the regulatory standard or request approval to impose additional requirements.

Proprietary Center Eligibility

The CACFP regulatory definitions of proprietary Title XIX and Title XX centers include a stipulation limiting eligibility to those centers in which Title XIX, Title XX, free and reduced price beneficiaries were not less than 25 percent of eligible participants in the calendar month preceding initial application or reapplication for Program participation. In addition, proprietary centers are eligible to be reimbursed for meals only for months in which Title XIX, Title XX, free and reduced price beneficiaries were not less than 25 percent of eligible participants. In adult day care centers, the percentage of eligible participants is based on enrollment. In child care centers the percentage of eligible participants is based on enrollment or licensed capacity.

As with the issue of establishing a claiming percentage discussed above,

- there is no requirement that an appropriately enrolled program participant be in attendance, or participate in a meal, at any time during the claim month; however,
- the State agency may establish, with FNS-RO approval, additional requirements establishing attendance and/or meal participation as an element of defining an enrolled participant in a proprietary child or adult care center.

Also in keeping with the issue of establishing claiming percentages, the matter of whether to abide by the regulatory standards or request approval to impose additional requirements remains a State agency decision.

Please notify your institutions and implement this policy as appropriate. If you have any questions, please contact this office.

PEGGY FOUTS
Director
Special Nutrition Programs

REF: Issued by CACFP Memorandum #I-05 November 15, 2004.